

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 5: Rio Gallina

Subfile No. CHGA-002-0027B

MOTION TO VACATE CONSENT ORDER

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to vacate the Consent Order filed June 12, 2002 (Docket No. 6732) in connection with defendants GABRIEL MAESTAS JR. and MARY ANN MAESTAS (“Defendants”) and subfile CHGA-002-0027B, and as grounds plaintiff states as follows:

1. The Consent Order filed June 12, 2002 in subfile CHGA-002-0027B incorrectly maps the location of the “no right” acreage described in the order. The amount and location of the irrigated acreage (10.7 acres) is correct.
2. The Consent Order filed June 12, 2002 in subfile CHGA-002-0027B should be vacated.
3. The Defendants have signed and approved a revised Consent Order to be filed with the Court that corrects the errors described in paragraph one above.
4. The Defendants support the granting of this motion.

WHEREFORE, the plaintiff State of New Mexico requests the Court to vacate the Consent

Order filed June 12, 2002 (Docket No. 6732) in connection with defendants GABRIEL MAESTAS JR. and MARY ANN MAESTAS and subfile CHGA-002-0027B .

Respectfully submitted,

/s/ Ed Newville
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Motion to Vacate Consent Order was mailed to following persons on January 17, 2005.

/s/ Ed Newville
Edward G. Newville

RIO CHAMA SECTION 5 SERVICE LIST

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